

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
SOUTHEASTERN DIVISION**

MEMORANDUM AND ORDER

This matter is before the Court upon its own motion. Self-represented plaintiff Damian Herron's civil complaint for money damages was received by the Court for filing on March 3, 2021. ECF No. 1. However, plaintiff neither paid the \$402 court filing fee nor filed a motion to proceed *in forma pauperis* (or without prepayment of fees or costs), along with a certified copy of his prison account statement. *See* 28 U.S.C. § 1915(a). As such, the Court will allow plaintiff thirty (30) days to either pay the full filing fee or file his motion to proceed *in forma pauperis* and account statement. His failure to do so in a timely manner will result in a dismissal of this action, without prejudice.

Accordingly,

IT IS HEREBY ORDERED that the Clerk is directed to mail to plaintiff a copy of the motion to proceed *in forma pauperis* form for prisoners.

IT IS FURTHER ORDERED that plaintiff must either pay the \$402 filing fee **or** submit a motion to proceed *in forma pauperis* within thirty (30) days of the date of this Order.

IT IS FURTHER ORDERED that if plaintiff files a motion to proceed *in forma pauperis*, he must also file a certified copy of his prison account statement for the six-month period preceding the filing of the complaint.

IT IS FINALLY ORDERED that if plaintiff fails to comply with this Order, the Court will dismiss this action without prejudice. If the case is dismissed for non-compliance with this Order, the dismissal will **not** count as a “strike” under 28 U.S.C. § 1915(g).

Dated this 10th day of May, 2021.



RODNEY W. SIPPEL
UNITED STATES DISTRICT JUDGE